

Panaji, 29th October, 1981 (Kartika 7, 1903)

SERIES II No. 31

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/2/81-PER

The Administrator of Goa, Daman and Diu is pleased to order the transfer of the following Grade II Officers of Goa, Daman and Diu Civil Service with effect from 31st October 1981 (Afternoon) and to post them as shown in Col. No. 3 below:—

Sr. No.	Name of the Officer and present designation	Posted on transfer as
1	2	3
1.	Shri A. M. Bhandare, Addl. Dy. Collector, Collectorate of Goa, Panaji.	Land Acquisition Officer, vice Shri Jose Luis retiring on superannuation on 31-10-1981 (A. N.)
2.	Smt. Maria Lourdes Mascarenhas, Addl. Dy. Collector, Collectorate of Goa, Panaji.	Administrative Officer, Directorate of Health Services, Panaji, vice Shri V. Priolkar, retiring on superannuation on 31-10-1981 (A. N.).

2. The Collector of Goa, Panaji shall relieve the Officers in time so as to enable them to join their new posting on 31-10-1981 (A. N.) positively.

3. On the recommendation of the Govt. of India, Ministry of Home Affairs, and the Union Public Service Commission, New Delhi, the following persons are appointed on probation for a period of 2 years; to the Goa, Daman and Diu Civil Service, Grade II in the revised scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200, under Rule 5(a) of the Goa, Daman and Diu Civil Service Rules, 1967 with effect from 1-11-1980 (F. N.) or from their date of joining whichever is later.

Sr. No.	Name of the person
1.	Shri Durga Charan Sahoo.
2.	Shri Bhaskara Nand.
3.	Smt. Anju Benerjee.
4.	Shri Ashok Kumar Wasnik.

4. The appointment are made against 4 Training/Deputation/Leave reserve vacancies viz. two vacant posts at present and two resulting due to transfers of the Officers under para 1 above.

5. The above probationers are posted as Addl. Dy. Collectors in the Collectorate of Goa for the Training to be drawn by the Collector of Goa, in terms of Government Notification No. 6-5-79-Div. I dated 23-9-1979.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 21st October, 1981.

Order

No. 3/7/77-PER (Vol. III Part II)

The Administrator of Goa, Daman and Diu is pleased to transfer the following Grade II Officers of Goa, Daman and Diu Civil Service as indicated below:—

Sr. No.	Name of the Officer and present designation	Transferred and posted as
1	2	3
1.	Shri U. D. Kamat, Secretary, Goa, Daman and Diu Housing Board, Panaji (on deputation).	Administrative Officer, Goa Medical College, Panaji vice Shri B. S. Nipanikar transferred.
2.	Shri B. S. Nipanikar, Administrative Officer, Goa Medical College, Panaji.	Exhibition Officer, Directorate of Industries and Mines, Panaji. — Vacant post.

2. The above transfers shall come into effect with effect from the date Shri U. D. Kamat is relieved from the present post.

3. Shri P. W. Rane Sardesai, Asstt. Director, Directorate of Industries and Mines, shall stand relieved from the additional charge of the post of Exhibition Officer with effect from the date Shri Nipanikar takes over the charge.

By order and in the name of the Administrator of Goa, Daman and Diu.

Jose Philip, Joint Secretary.

Panaji, 23rd October, 1981.

Order

No. 30/1/74-PER

Consequent upon his selection for the post of Planning Officer in the Indian Tourism Development Corporation New Delhi in the pay scale of Rs. 1100-1600, for a period of two years in the first instance on standard terms of deputation, as communicated by Government of India, Ministry of Home Affairs, Department of Personnel & A. R., vide their letter No. 13019/106/80-IES dated 19/9/1981 Shri H. S. Sethi, an Officer of the Indian Economic Service, working as Jt. Director, Directorate of Planning and Statistics shall be relieved to join the post of Planning Officer in the Indian Tourism Development Corporation with effect from 31-10-1981.

2. Shri H. S. Sethi shall hand over the charge of the post of Jt. Director to the Director of Planning, Statistics and Evaluation.

3. The charge relating to the work of Task Force on Eco-Development Plan of Western Ghats will be handed over to Shri A. K. Mathur, IAS, Director of Industries and Mines.

By order and in the name of the Administrator of Goa, Daman & Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 21st October, 1981.

Order

No. 4/49/77-PER

On placement of his services at the disposal of Delhi Administration, Delhi by Government of India, Ministry of Home Affairs, New Delhi vide wireless message No. U-14020/1/81-UTS dated 21-5-1981, the Administrator of Goa, Daman and Diu is pleased to relieve Shri A. Biswas, IAS, present secretary to Lt. Governor, w.e.f. 23rd October, 1981 (FN) to enable him to join the Delhi Administration.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 19th October, 1981.

Home Department (General)

Order

No. 13/2/80/HD(G)

Read: Order No. 13/2/80/HD(G) dated 27-3-1981.

In exercise of the powers conferred by Sub-Section (1) of Section 9 of the National Security Act, 1980 (Central Act 65 of 1980), and in supersession of the Government Order of even number dated the 27th March, 1981, the Administrator of Goa, Daman and Diu hereby constitutes for the purposes of the said Act an Advisory Board consisting of the following persons, namely:—

1. Shri Justice S. K. Desai, Judge, Bombay High Court, Bombay — Chairman.
2. Dr. Alvaro De Noronha Ferreira, District & Sessions Judge, Panaji-Goa — Member.
3. Shri P. J. Mulgaonkar, Advocate, Alto-Porvorim — Member.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 23rd October, 1981.

Works, Education and Tourism Department

Notification

No. 7/10-11-81-WET

In supersession of Notification No. PWD/CE/STN/336/78, dated 24-4-1978, the Administrator of the Union Territory of Goa, Daman and Diu is pleased to reconstitute the 'Technical Committee' for the implementation of Major and Medium Irrigation Projects, as suggested by the Planning Commission, with following composition:

1. Member (D & R), C. W. C., New Delhi — Chairman.
2. Chief Engineer, Designs-II, C. W. C., New Delhi — Member.
3. Chief Engineer, Irrigation Department Goa, Daman and Diu — Member.
4. Director, Union Territory, C. W. C., New Delhi — Member.
5. Director, E. & R. D. D. II Dte., C. W. C., New Delhi — Member.
6. Director, C. M. D. D. II, C. W. C., New Delhi — Member.
7. Director, B & C II Dte., C. W. C., New Delhi — Member.
8. Representative of the Geological Survey of India — Member.
9. The Superintending Engineers, Salauli, Anjunem and Mandovi Irrigation Projects, Goa, Daman and Diu — Members.

10. The Superintending Engineer, Central Design and Planning Organisation, Irrigation Department, Goa, Daman and Diu — Member Secretary.

The functions of this Committee will be:—

- i) To review the programme and progress of various components of various Major and Medium Irrigation Projects.
- ii) To remove bottlenecks for expeditious technical approval and sanction of different segments of the schemes by the appropriate authority.
- iii) Any other point which the Administration may like to refer to the Committee.

The meetings will take place in New Delhi or Panaji as per the convenience and there will not be interval of more than four months between two meetings.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Works, Education and Tourism).

Panaji, 23rd October, 1981.

Directorate of Education

Notification

No. DE/Acd. II/NFTW/39/75/1215

In partial modification of this office Notification No. DE/Acd. II/NFTW/39/75/7144 dated 3-4-1981 Lt. Governor who is the Chairman of the Working Committee of National Foundation for Teachers Welfare for this Union Territory is hereby pleased to appoint Shri G. V. Nadkarni, Principal Dhempe College of Arts & Science, Miramar-Panaji, as member of the Working Committee reconstituted thereunder, in lieu of the member at the Sl. No. 7 Shri V. G. Sahasrabudhe, Principal Damodar College, Margao.

By order and in the name of the Administrator of Goa, Daman and Diu.

J. P. Singh, Director of Education and Additional Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 29th September, 1981.

Revenue Department

Notification

No. 22/8/81-RD

Whereas by Government Notification No. 22/8/81/RD dated 21-2-1981 published on page 725 of Series II, No. 49 of the Official Gazette, dated 5-3-1981 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of police outpost complex at Anjuna.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector (Land Acquisition Officer), Panaji, to perform the functions of a Collector for all proceedings hereinafter to be taken in

respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector (Land Acquisition Officer), Panaji, till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Sub. Div. No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Bardez	Anjuna	13	599	Comunidade of Anjuna.	325.00
2.	— do —	— do —	14	599	Village Panchayat Anjuna.	675.00
<i>Boundaries:</i>						
North: Survey No. 599/12.						
South: Nala and Survey No. 599/5.						
East: Road.						
West: Nala.						
Total						1000.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 6th October, 1981.

Notification

No. 22/134/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For laying pipeline of 160 MLD Salauli Water Supply Scheme at Cotarli and Xelpem, Sanguem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Special Land Acquisition Officer, Sanguem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Special Land Acquisition Officer, Sanguem.
3. The Executive Engineer, Works Division XXVI, P. W. D., Sanguem.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer, Sanguem, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Cotarli	—	8/1	Shri Shivaji Datta Nadkarni.	300.00
				7/4 (Part)	Shri Shivaji Datta Nadkarni	3100.00
				7/2 (Part)	Shri Sazu Raghoba Nadkarni.	1000.00
				40/1 (Part)	M/s. Gurudas Timblo.	1600.00
				40/2 (Part)	M/s. Gurudas Timblo.	1500.00
				11/1 (Part)	M/s. Gurudas Timblo.	1100.00

1	2	3	4	5	6	7
Sanguem	Cotarli	—	12/47 (Part)	1 - Shri Vishwanath Uttam Samant. 2 - Shri Anay Raghuvir Prabhu Dabolkar. 3 - Shri Dilip Raghuvir Prabhu Dabolkar. 4 - Shri Vassu Raghuvir Prabhu Dabolkar. 5 - Shri Janardhan Prabhu Dabolkar.		1100.00
			12/48 (Part)	Shri Sazu Raghoba Nadkarni.		1800.00
			13/8 (Part)	Shri Marcos Costa.		2150.00
Boundaries:						
North Survey No. 13/8, Nala, 12/48 12/49, 12/47, 11/1, Road, 40/1, 40/2, 7/2 and 7/4.						
South: Survey No. 13/8, Nala, 12/48, 12/49, 12/47, 11/1, 40/2, 7/2, 7/4 and 8/1.						
East: Village boundary of Xelpem.						
West: Village boundary of Sanvordem.						
Sanguem	Xelpem	—	15/2	Shri Dina Nadkarni.		600.00
			15/1	Shri Sazu Raghoba Sinai Nadkarni.		2600.00
			16/2	Shri Shripad Naik Sardesai.		1000.00
Boundaries:						
North: Survey No. 16/2, 16/4, 15/1, 12/1, 15/2.						
South: Survey No. 16/2, 16/4, 15/1, 12/1 and 15/2.						
East: Survey No. 31/2.						
West: Village boundary of Cotarli.						
Total						17,850.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 12th October, 1981.

Notification

No. RD/LQN/369/79

Whereas by Government Notification No. RD/LQN/369/79 dated 1st June, 1981 published on page 130 of Series II, No. 12 of the Official Gazette, dated 18th June, 1981 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz., construction of Medium Size Godown for Tribal Large Size Multipurpose Cooperative Society at Moti Daman, Daman.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector of Daman, Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE

Sr. No.	Taluka	Village	Plot No.	Name of the persons believed to be interested	Approximate area in sq. mts.
1	Daman	Bhitwadi Moti Daman	67/PTS/85	Sam Dadabhai Wadia.	195.00
Total					195.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 14th October, 1981.

Notification

No. 22/124/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Mandovi Irrigation Project at Nanorem, Satari.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Sanguem, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Special Land Acquisition Officer, Sanguem.
3. The Executive Engineer, Works Division XXVIII, P.W.D., Bicholim.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer, Sanguem, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
	Satari	Nanorem	5	3	H: Government. L: Vishnu Vithal Bandekar.	4000.00
			5	6	H: Government. L: Mosso Vithal Bandekar.	2150.00
			5	8	H: Government. L: Sitaram Vithal Naik.	2675.00
			5	9	H: Government. L: Sadashiv Govind Gavalkar.	2975.00
			5	10	H: Devgo Vithal Bandekar. Vishnu Vithal Bandekar. Vithal Moso Bandekar.	17250.00
			6	2	H: Government. L: Shiva Rama Vazrekar.	8000.00
			6	5	H: Government. L: Devgo Vithal Bandekar.	7850.00
			6	6	H: Government. L: Sitabai Rama Salelkar.	5510.00
			6	7	H: Government. L: Fati Vithal Zarmekar.	8000.00
			6	13	H: Government. L: Laximan Madhu Gaonkar.	10000.00
			6	15	H: Government. L: Sadashiv Govind Gawalkar.	4000.00
			6	16	H: Government. L: Mosso Vithal Bandekar.	6000.00
			6	19	H: Government. L: Vishnu Vithal Bandekar.	12000.00
			6	20	H: Government. L: Narayan Shablo Kurtarkar.	12000.00
			6	23	H: Government. L: Sitaram Vithal Naik.	325.00
			7	3	H: Government. L: Sadashiv Govind Gawalkar.	6275.00
			7	5	H: Government. L: Mosso Vithal Bandekar.	4050.00
			7	6	H: Government. L: Mosso Vithal Bandekar.	3150.00
			8	0	H: Laximan Apa Gurao.	33750.00
			22	2	H: Government. L: Mahadeo Pundalik Parsekar.	6000.00
			17	2	H: Government. L: Bhaskar Vaman Harvalkar.	500.00

1	2	3	4	5	6	7
	Satari	Nanorem	17	3	H: Government. L: Vassu Vaman Harvalkar.	700.00
			16	4	H: Vishwanath Gajanan Kelkar.	3000.00
			16	12	H: Vishwanath Gajanan Kelkar.	1100.00
			16	10	H: Vishwanath Gajanan Kelkar.	900.00
			16	8	H: Vishwanath Gajanan Kelkar. Dattaram Ramchandra Marathe.	600.00
			16	9	H: Vishwanath Gajanan Kelkar. Dattaram Ramchandra Marathe.	400.00
			19	7	H: Shridhar Narayan Joshi.	7000.00
			10	4	H: Anandi Madhu Gaonkar. Fati Madhu Gaonkar. Narayan Madhu Gaonkar. Laximan Madhu Gaonkar.	4500.00
			13	10	H: Government. L: Gopal Ramchandra Joshi.	2400.00
			13	7	H: Rajaram Dattarm Dubashi. Ramesh Pandarinath Dubashi.	11600.00
Total						1,88,710.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 12th October, 1981.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 3rd October, 1981.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. AIT/7/74

Shri Caetano Fernandes, workman of
M/s. Goa Flour Mills, Chicalim, Vasco
V/s.

— Party I

M/s. Goa Flour Mills, Chicalim, Vasco-da-Gama, Goa.

— Party II

Party-I/Workman represented by Shri Mohan Nair,
General Secretary, National Union of General Employees (Goa), Vasco-da-Gama.

Party-II/Employer represented by Shri Ramesh Desai,
Labour Advisor.

Panaji: 18-9-1981.

AWARD

This is a reference made by the Government of Goa, Daman and Diu, to this Tribunal, by its order No. CLE/1/ID(200)/74/IT-74/1440, dated 11th December, 1974, for adjudication of a dispute between M/s. Goa Flour Mills, Vasco-da-Gama, hereinafter briefly called the Employer/Party-II, and their workman, represented by the National Union of General Employees (Goa) Vasco-da-Gama, hereinafter called the Union. This reference, in the schedule annexed thereto, reads as follows:

"1. Whether the action of the Management of Goa Flour Mills, Chicalim, Vasco-da-Gama, Goa, in discharging from their services Shri Caetano Fernandes, with effect from 20th November, 1974 is justified? If not, to what relief the workman is entitled to?

2. Whether the above action of the Management also amounts to victimisation?"

2. The Union's case is that the workman Shri Caetano Fernandes was in the employment of the Employer/Party-II ever since it started its production in Goa; he is an active member of the Union and also a member of the working committee for the last four years, and the management of the Employer/Party-II was very unhappy over Shri Caetano Fernandes' activities. On 9-10-74, a charge sheet for various acts of alleged misconduct was served on Shri Fernandes, which was followed by an inquiry in which the workman participated. On completion of the inquiry, the workman was discharged from service w.e.f. 20-11-74. This illegal discharge of the workman resulted in a lightning strike of all the workmen of the Employer/Party-II, as a protest against victimisation of Shri Fernandes. Thereafter, Conciliation Proceedings started before the Labour Commissioner and finally, the matter was referred to this Tribunal.

So far the enquiry is concerned. It is contended that the Inquiry Officer is not an independent person but a professional, moving from one establishment to another, and that he did not give a fair opportunity to the workman while conducting the Inquiry Proceedings and incorporated therein various material and information only to help the Employer/Party-II. That is why the Employer/Party-II never gave to the Union inspite of being requested, a copy of the Inquiry Proceedings, but only a copy of the findings of the Inquiry Officer. That the discharge of Shri Fernandes is a punishment for his Union activities and, therefore, it is prayed that the same be set aside and the workman reinstated with continuity of service and full back wages.

3. The case of the Employer/Party-II is that on 1-10-74, the concerned workman was in the first shift from 7.00 a.m. to 3.00 p.m. But, at 3.45 p.m., i.e. beyond his duty hours, he was still in the factory. He came to the Time Office and interrupted the talks between the Time Keeper and other workman and started abusing repeatedly the Time Keeper Shri Parmekar with filthy words. This incident was witnessed by the driver Shri Francisco Monteiro and Tally clerk Shri Usman Khan. On complaint from Shri Parmekar, Shri Usman Khan and Shri Monteiro, a show cause notice was issued to the workman dated 4-10-74 and as he refused to accept the same, it was sent to him by Registered Post

A/D. On 9-10-74, a charge sheet was issued, levelling against the workman the following charges:

- i) Use of abusive language to your superiors and insolent behaviour to your superiors.
- ii) Disobedience of a lawful and reasonable order of your superior.
- iii) Riotous and disorderly behaviour on the premises of the establishment.
- iv) Commission of an act subversive of discipline and good behaviour.

An inquiry followed, in which the workman fully participated and even led his evidence. In the inquiry, full opportunity was given to the workman to defend himself, through a nominee of his choice, Shri Manohar Corgaonkar. The management considered the findings of the Inquiry Officer alongwith the Inquiry Proceedings as well as the past record of the workman, which was far from satisfactory, and issued a discharge order. Because of this discharge order, all the workmen went on strike, which was, however, withdrawn on the same day. Subsequently, the Labour Commissioner intervened and brought about a settlement, by virtue of which the parties agreed to make a joint reference under Section 10(2) of the Industrial Disputes Act.

It is contended that the charges levelled were conclusively proved in the inquiry, in which the workman was given full opportunity to defend himself, and, therefore, the action of the Employer/Party-II in discharging the concerned workman is fully justified. The allegations made by the workman against the Inquiry Officer are denied and, regarding the copy of the Inquiry Proceedings, it is alleged that since a copy was already handed over to the concerned workman, the Employer/Party-II was not bound to give another copy to the Union.

4. The following issue was framed by my predecessor Shri Kollali:

"In addition to the points referred to, the following issue arises:

1. Was fair opportunity given to the workman during the inquiry?"

5. After the parties had led their evidence on this preliminary issue, order was passed by Shri Kollali on 22-3-1978 holding that no fair opportunity was given to the concerned workman in the Inquiry.

6. In view of this finding, the Employer/Party-II applied to the Tribunal that it would lead evidence to prove the charges against the workman. Accordingly, date was fixed for such evidence, but it did not take place on that day, nor on subsequent dates on which it was postponed at the request of the parties, due to various adjournments sought by the parties. Finally, an amicable settlement was tried and arrived at between the parties and a joint memo of settlement filed before this Tribunal and prayed that an award in terms of the said settlement be passed.

7. I have perused the terms of the settlement, which are reasonable and fair to both the parties and, hence, I accept them and pass the following order:

ORDER

Award in terms of the memo of settlement which shall form part of this award is hereby made.

No order as to costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

Memorandum of Settlement signed under Section 2(p) read with Section 18 of the Industrial Disputes Act, 1947 between the management of M/s. Goa Flour Mills and their workman Shri Caetano Fernandes represented by National Union of General Employees

PRESENT

For the Management:

Shri V. Krishnan
Manager,
M/s. Goa Flour Mills.

For the Union:

1. Shri R. V. Gaundalkar
Vice-President
National Union of
General Employees.
2. Shri Caetano Fernandes.

SHORT RECITAL OF THE CASE

The management of M/s. Goa Flour Mills hereinafter called the "Company" terminated the services of Shri Caetano Fernandes with effect from 20th November, 1974, for alleged indiscipline and misconduct. The National Union of General Employees hereinafter called the "Union" took up the issue with the Company and further requested for the intervention of the Commissioner, Labour and Employment, Government of Goa, Daman and Diu. Series of discussions were held by the Commissioner, Labour and Employment, Government of Goa, Daman and Diu, Panjim, but the Company was not prepared to reinstate Shri Caetano Fernandes in service. Subsequently the dispute was referred for adjudication. During the course of adjudication, the Presiding Officer of the Hon'ble Tribunal passed an order to the effect that "no fair opportunity was given to the first party" i.e. to the workman in the departmental enquiry. Subsequently the matter was postponed or adjourned for quite a long time. In the meantime the union and the company further negotiated for mutual settlement and both the parties have arrived at the following terms and conditions:—

TERMS OF THE SETTLEMENT

1. Shri Caetano Fernandes will submit his resignation as and on 20th November, 1974 and the company will accept the same and issue a letter of acceptance along with a certificate of service.

2. The Company agrees to pay an amount of Rs. 4,500/- (Rupees four thousand five hundred only) to Shri Caetano Fernandes towards the full and final settlement in respect of the dispute pending under reference No. AIT-7 of 1974 before the Hon'ble Tribunal, Goa, Daman and Diu and Shri Caetano Fernandes will give a receipt for the same.

3. The Company will pay all other dues such as salary upto 20th November, 1974, leave wages due and bonus due to Shri Caetano Fernandes over and above Rs. 4,500/- (Rupees four thousand five hundred) as mentioned in Clause 2 of the settlement.

4. Both the parties agree to submit their joint application before the Presiding Officer, Industrial Tribunal, Goa, Daman and Diu, for favour of Consent Award, on Monday, the 13th October, 1980.

SIGNATURE OF THE PARTIES

V. Krishnan

1. R. V. Gaundalkar
2. Caetano Fernandes

WITNESSES:

1. Sd/-
2. Sd/-

Date: 13th October, 1980.

Order

No. 28/4/81-ILD

Whereas, the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the employers in relation to the management of M/s. Amirali Kasamali & Sons, Malbhat Plot, opposite Masjid, Margao-Goa, and their workman Shri Bhim Bahadoor Gurkha, Watchman, in respect of the matters specified in the Schedule annexed hereto.

And whereas the Lieutenant Governor of Goa, Daman and Diu, considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

"Whether the action of the employer of M/s. Amirali Kasamali & Sons, Malbhat Plot opposite Masjid Margao,

Goa in terminating the services of Shri Bhim Bahadoor Gurkha, Watchman, with effect from 12-10-1980 is legal and justified.

If not, to what relief the workman is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

K. B. Shukla, Secretary (Industries and Labour).

Panaji, 27th October, 1981.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 21st October, 1981.

IN THE LABOUR COURT GOA, DAMAN & DIU AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No. LCC/23/81

Shri Basker Dattatrya Tirodker,
R/O Sanquelim, Goa.
(Gokulwadi)

— Applicant

V/s.

Shri Vishwanath B. Dangui,
R/O Sanquelim, Sundarpeth.

— Opponent

Panaji: 1-10-1981.

AWARD

The above applicant has claimed from the Opponent a total amount of Rs. 1,200/- his salary as driver for the period from 12-12-80 to 28-4-81 as per the details given in annexure to the application.

2. It is his case that he was working as driver in truck No. GDT 9687 belonging to the opponent and his last salary drawn was Rs. 375/- only. On 29-4-81 the applicant fell sick and was admitted to Goa Medical College for treatment. On 22-5-81 he was discharged from the hospital and on 1-6-81 he reported for duty, but the employer/opponent refused to take him back for reasons best known to him.

3. The employer in his written statement has raised some preliminary objection regarding jurisdiction of this Court, and on merits has denied the claims of the applicant stating that there are no arrears of wages as shown by the applicant which are due to him.

4. On the date fixed for rejoinder of the applicant, both the parties remained present before this Court and filed a joint memo of settlement praying that the matter may be disposed of as settled.

5. In this memo of settlement it is submitted that the parties have compromised the dispute between them and that the applicant herein by virtue of this compromise has received all the dues from the opponent and has no claim of whatsoever nature against him.

6. Since the matter has been settled between the parties and the applicant has received his dues, there is no reason to proceed further with the case. I, therefore, pass the following order.

ORDER

This application is disposed of as the matter has been settled between the parties.

No order as to costs.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 3rd October, 1981.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Complaint No. IT/31/76

Shri Felix D'Cruz, Curca, Goa.

Shri Martinho Fernandes, Aldona, Quitla.

Shri Agnelo M. Rodrigues, Fonsa Bhatt, — Complainants
Merces.

V/s.

Shri Yeshwant P. Kamat,

Manager,
Hotel Mandovi, Panaji, Goa.

— Opp. Party.

Complainants represented by Shri N. J. Rebello, Union
Leader.

Opp. Party represented by Shri Ramesh Desai, Labour
Advisor.

Panaji, 21-9-1981.

AWARD

This is an application u/s 33-A of the Industrial Disputes Act, 1947, hereinafter briefly called the Act, lodged by the above complainants against Shri Yeshwant P. Kamat, Manager, Hotel Mandovi, Panaji, hereinafter called the Opposite Party.

2. The complainants' case is that, while reference No. IT/4/74 was pending adjudication, the Opposite Party, by letters dated 31-7-76, terminated the services of the complainants on the ground that they had already crossed the age of superannuation under the rules and regulations applicable and that they would be paid one month's wages and other legal dues, as provided under the Shops & Establishments Act, 1973.

It is further contended that there are no Standing Orders Rules and Regulations in the establishment of the Opposite Party; that they are medically fit to carry out their normal duties and were never sent for any medical examination to prove their fitness; the opposite party still have in service workman whose age is over 70 and finally, the termination of their services is malafide, as victimisation for their Union activities; that they have not been paid full compensation and gratuity, as provided by law. It is prayed that they be reinstated with continuity of service and full back wages.

3. In his written statement, the Opposite Party raised a Preliminary objection that the complainants are not the workers concerned in the dispute No. IT/4/74, and that they have not been discharged or dismissed by way of punishment and, in the absence of any punishment, section 33 of the Act is not attracted. On merits it is alleged that, as per rules and regulations in existence, the age of superannuation is 58 years and there is no need of sending the complainants for medical examination to prove their unfitness. It is denied that the action of the Opposite Party in superannuating the complainants is malafide, motivated by victimisation and amounting to unfair labour practice. It is further denied that there are still workmen over 70 years of age in service who are not members of the Union, except for very few old employees who, after superannuation, having no ostensible means of livelihood, were permitted to work on contract basis, for limited period, on humanitarian grounds.

4. My learned predecessor, Dr. Coelho, framed the following preliminary issue:

"Is this complaint maintainable? and fixed for arguments of both the parties on this issue.

5. After the arguments of one of the parties was heard, the case was amicably settled between the parties. A joint memo of settlement was filed, praying that a consent award in terms of the settlement be passed.

6. I have considered the memo of settlement, which is reasonable and fair to both the parties. Hence, I accept it and pass the following order.

ORDER

Consent award in terms of the settlement referred to above which shall form part of this award is hereby made.

No order as to costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

Memorandum of Settlement under Section 2(p) read with Section 18(1) of the Industrial Disputes Act 1947 entered into between the Management of M/s Hotel Mandovi, Panaji Goa and their Workmen represented by Shri N. J. Rebello, General Secretary of the Goa Hotels & Restaurant Employees Union

PARTIES TO SETTLEMENT

Shri Ramesh Desai,
Labour Consultant,
M/s Hotel Mandovi,
Panaji-Goa.

Shri N. J. Rebello,
General Secretary,
The Goa Hotels & Rest.,
Employees Union,
Betim-Goa.

SHORT RECITAL

The management of M/s Hotel Mandovi, Panaji (in short management) superannuated S/Shri Felix D'Cruz, Martinho Fernandes & Agnelo Rodrigues (in short workers) on attaining the age of 58 years. The workers thereupon filed a Complaint U/s 33-A of the Industrial Disputes Act, 1947 (in short the said Act) alleging that the management contravened the provisions of Section 33 of the said Act. The complaint is registered under No. IT-31/76. The management vide its written statement denied the contention of the workers and raised certain preliminary points touching the maintainability of the Complaint. During the pendency of the Complaint, the parties discussed the matter mutually and arrived at the following settlement.

TERMS OF SETTLEMENT

1. The workers agree that the action of the management in superannuating the workers in Reference No. IT-31/76 is just, proper and bonafide.

3. The management agrees to pay a sum of Rs. 245/- to Shri Felix D'Cruz; Rs. 227-50 to Shri Martinho Fernandes and Rs. 420/- to Shri Agnelo Rodrigues as ex-gratia amount.

3. The parties agree that this settlement shall be filed before the Industrial Tribunal & Labour Court, Panaji for A Consent Award, in Reference No. IT-31/76.

4. The management agrees to effect payments to the workers 15 days of the publication of award in the Gazette.

SIGNATURES OF PARTIES

Ramesh Desai,
Labour Consultant,
M/s Hotel Mandovi,
Panaji-Goa.

N. J. Rebello,
General Secretary,
The Goa Hotels & Rest.,
Employees Union,
Betim.

WITNESSES

Sd/-

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under

the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 21st October, 1981.

IN THE LABOUR COURT GOA, DAMAN & DIU AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No. LCC/21/81

Shri Harischandra Guru Gaonkar,
Bali, Velguem, Savribhat,
Post-Velguem, Taluka Bicholim.

— Applicant

V/s.

Smt. Sakinabi Shabbir Beg,
Near Mosque, Muslimvaddo,
Bicholim, Goa.

— Opponent

Panaji: 23-9-81.

AWARD

This is an application filed by the above applicant against the above opponent claiming Rs. 1,200/- (Rupees One thousand two hundred only) from the opponent towards his earned wages for the months of August and September, 1980.

2. The Applicant's case is that he was employed with the opponent from 14-11-79, working as a driver on truck No. GDS 4000, and drawing a monthly salary of Rs. 600/-. On 30th Sept., 1980 his services were suddenly terminated. However, the employer failed to pay his earned wages for the months of August and September, 1980, which the applicant is now claiming.

3. The opponent was duly served, but did not file any written statement, nor did she remain present and so ex-parte proceedings took place. The statement of the applicant was recorded in the open court and he confirmed to the contents of his application.

4. Since the opponent did not contest the proceedings nor did she remain present to cross examine the applicant, I accept as true the statement made by the applicant and, therefore, pass the following order:

ORDER

Award in terms of the application made by the applicant is hereby made granting him Rs. 1,200/- to be paid by the opponent towards the applicant's salary of August and September, 1980.

Costs of Rs. 50 to be paid by the Opponent to the Applicant.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

Notification

No. 1/292/73-ILD

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest requires that the industry engaged in production, supply and distribution of petroleum and petroleum products (hereinafter called as "the said service") should be declared to be a public utility service for the purpose of the Industrial Disputes Act, 1947.

Now, therefore, in exercise of the powers conferred by Sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby declares that the said service to be public utility service for the purposes of the

said Act for a period of six months from the date of publication of this notification in the Official Gazette.

By order and in the name of the Lt. Governor of Goa,
Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 17th October, 1981.

Addendum

No. 21/11/80-ILD

Read: Government Notification No. 21/11/80-ILD dated 13-8-1981.

In the Schedule attached to the Government Notification read above, published in Official Gazette No. 22 Series II dated 27-8-1981, the following may be added at Sr. No. 11, Column 4.

"All shops and establishments situated in Mapusa City."

By order and in the name of the Administrator of Goa,
Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 17th October, 1981.

Law Department (Establishment)

Notification

No. 3-5-80/LD

In exercise of the powers conferred by clause (7) of section 2 of the Civil Procedure Code, 1908 (V of 1908), read with Order XXVII, rule 8B of the First Schedule to the said Code, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri Paulo F. Rodrigues, Assistant Engineer (Arbitration) Public Works Department, Government of Goa, Daman and Diu as Assistant Government Pleader in relation to any Suit or proceedings by or against the Public Works Department, Government of Goa, Daman and Diu, with immediate effect and also to assist the Government Pleader or the Government Advocate in such suits and proceedings before all the Courts, Tribunals and similar Authorities in the Union Territory of Goa, Daman and Diu and also before Dy. Collector-cum-Estate Officer, Executive Magistrates, Revenue Courts and City Survey Officers.

By order and in the name of the Lieutenant Governor of
Goa, Daman and Diu.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 19th October, 1981.